

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Andrea Crisanti	Art Unit:	1636
Application No.:	10/789,403	Examiner:	Not Yet Assigned
Filed:	February 27, 2004	Conf. No.:	5324
Title:	CONJUGATES THAT CONTAIN THE HOMEODOMAIN OF ANTENNAPEDIA		

**Mail Stop PETITION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RENEWED PETITION UNDER 37 CFR § 1.137(b)**

Sir:

Applicant respectfully submits this request for reconsideration of the Decision on Petition mailed December 10, 2007 via this renewed petition under 37 C.F.R. §1.137(b) for revival of the above-identified application, which was unintentionally abandoned on January 18, 2005, for failure to properly respond to the Notice to File Missing Parts mailed April 20, 2004.

The attached Decision on Petition (Exhibit A) indicates that a grantable petition under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17 (m); **(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional**; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The Decision indicates that our petition mailed September 28, 2007 lacks item (3) above.

The Decision indicates that there are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b) related to item (3) above. The three periods consist of **(a) the delay in reply that originally resulted in the abandonment; (b) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application**; and (c) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application. The Decision states that the delay has not been shown to the satisfaction of the Director to be unintentional for periods (a) and (b).

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Andrea Crisanti  
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PATENT  
Attorney Docket No.: TROJAN1100-1

Applicant respectfully requests reconsideration of the Decision on Petition based on the following facts in response to the Director's concerns related to aforementioned items 3(a) and 3(b) above.

**SUPPLEMENTAL INFORMATION  
IN RESPONSE TO ITEM 3(a) ABOVE  
RELATED TO THE DELAY IN REPLY  
THAT ORIGINALLY RESULTED IN THE ABANDONMENT**

This application is a continuation application of parent U.S. Application Serial No. 09/486,676 filed June 8, 2000. An assignment was recorded by the USPTO on June 8, 2000 in the parent application establishing Imperial College Innovations Limited is the assignee of record (Reel 010967, Frame 0853).

Continuation Application 10/789,403 was filed on February 27, 2004. On June 21, 2004, Assignee Imperial College Innovations Limited or their attorneys Saliwanchik Lloyd & Saliwanchik (Saliwanchik et al.) had the authority to avoid abandonment. Assignee Imperial College Innovations Limited, however, was represented by a European agent, Gil, Jennings and Every LLP (GJE). Saliwanchik et al. received instructions to abandon the application from GJE without proper consideration of licensee obligations.

Unfortunately, miscommunications between Assignee Imperial College Innovations Limited, their agent representative GJE and patent prosecution counsel Saliwanchik et al. resulted in an unintentional delay. Further unintentional delay from the Notice of Abandonment mailed January 18, 2005 until the Petition to Revive this application was exacerbated by miscommunications between the involved licensees, spin-off companies and assignee. Licensee Trojan Technologies has been diligent from the time of knowledge of application abandonment until filing of the petition to revive.

As background information, a spin off company of Assignee Imperial College Innovations Limited named Implyx was created on or about July 1, 1998. Implyx, which was later called Biogeny, licensed the technology associated with Application No. 10/789,403 to

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Trojan Technologies on January 30, 2001. Trojan Technologies communicated with GJE, Assignee Imperial College Innovations' Limited Representative, to keep the applications for this technology pending (see email Exhibit B attached dated February 6, 2006). According to the reply email dated February 9, 2006, the invention technology remained pending in the countries of Australia, Brazil, Canada, Israel, Japan and New Zealand; however, the US was unintentionally abandoned. This miscommunication was further exacerbated by the dissolution of Biogeny, who had an agreement to license the invention technology to Trojan Technologies, which is reflected in the attached Financial Statements (see Exhibit C).

Licensee Trojan Technologies contacted Biogeny on numerous occasions to inquire about this patent application. Specifically, Trojan Technologies requested information from Mr. Jeffrey Pike of Biogeny regarding this patent application on December 28, 2004. Trojan Technologies was interested in continuing with this patent application technology in the United States as it was in the aforementioned foreign counties. This was more than three (3) weeks before the Notice of Abandonment was mailed.

No reply was received from Biogeny from Trojan Technologies' inquiry of December 28, 2004.

On April 4, 2005, Jeffrey Pike of Biogeny informed the Board of Trojan Technologies by letter that Biogeny had been unable to raise the funds it required and had ceased trading. The letter also advised that he was resigning as a Director of the Board of Trojan Technologies and that the patent technology was returned to Imperial College Innovations Limited.

On April 7, 2005 Trojan Technologies accepted the resignation of Jeffrey Pike and requested information regarding contact personnel at Imperial College Innovations Limited. This was months after the Notice of Abandonment, but Trojan Technologies was not apprised at this point.

On May 31, 2005, Trojan Technologies' legal counsel contacted Jeffrey Pike of Biogeny informing him that according to the Articles of Association of Trojan Technologies, there is an official procedure that must be followed in order to transfer shares and technology to another body. No reply was received.

On January 15, 2007, Trojan Technologies' legal counsel contacted Jeffrey Pike of Biogeny again to inform him that he is in breach of contract and that he needs to sign an instrument of transfer of shares for reallocation of the shares of Biogeny, which include this patent application technology. At the same time, a letter is sent to Imperial College Innovations informing them that without proper information, Biogeny is still considered holder of the shares and technology.

On February 26, 2007, Jeffrey Pike of Biogeny replied that all assets were given to Imperial College Innovations Limited and provided a contact at Imperial, Naim Hussain.

On March 20, 2007, after several attempts to contact Naim Hussain, Mrs. Emma Toumi of Imperial College Innovations Limited acknowledged receipt of letter dated January 15, 2007, but indicated enclosures were missing. Trojan Technologies' legal counsel resent all forms for transfer of shares and technology.

On April 30, 2007, Mr. Patrick Hole of Gordons, a UK law firm, informed Trojan Technologies that Biogeny dissolved on January 23, 2007 as a result of the failure to file relevant accounts. The last financial statements of Biogeny (see Exhibit C) state that:

1. Implex is confirmed to be 100% owned by Biogeny, and
2. Biogeny is in dispute with Imperial College Innovations Ltd. regarding a liability of GB £ 101,652, for which Biogeny offers its interests in patents, intellectual property and the holding in Trojan Technologies. There is no indication as to whether Imperial reached an agreement with Biogeny.

On August 28, 2007, because of the continued delays, Trojan Technologies contacted DLA Piper to request revival based on the aforementioned timeline. It is clear that Trojan Technologies made many attempts and inquiries to ensure that their licensed technology was pursued in the United States. Trojan Technologies further demonstrated diligence and attempted to contact the proper individuals during the above timeline resulting from the dissolution of Biogeny.

On September 28, 2007, DLA Piper submitted a petition to revive Application No. 10/789,403.

It is demonstrated by the email communication dated February 6, 2006 (Exhibit B) that the Response to Missing Parts would have been filed prior to abandonment of this application had Trojan Technologies been advised of the Response to Missing Parts impending deadline. Financial difficulties were an issue with Biogeny, and Trojan Technologies did not authorize abandonment of the U.S. application since it had rights as a licensee. After attempts to ensure Trojan Technologies maintained licensee rights in the U.S. invention, Trojan Technologies requested a status report from Assignee's representative, GJE. The U.S. application was missing on the attached status sheet, which elicited concerns of the Applicant based on the foregoing information and elapsed time since the Notice of Abandonment was mailed.

As discussed earlier, Trojan Technologies communicated many times with Biogeny, the entity licensing to Trojan Technologies, to keep the application for this technology pending prior to the abandonment date. Unfortunately, the lack of response by Biogeny, despite the diligence of Trojan Technologies, resulted in the lack of response to the Missing Parts Notice.

Attached as Exhibit D is the Petition to Revive mailed September 28, 2007, which includes the Response to the Notice of Missing Parts. The persistence both prior to and after the Notice of Abandonment was mailed demonstrates that the delay did not result from a deliberate course of action or inaction. Despite the elapsed period of time since application

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abandonment, diligence was observed. Unfortunately, the delay was caused by both GJE and Biogeny, which had an obligation to advise licensee, Trojan Technologies, of the status of the application. Trojan Technologies clearly attempted to keep the present patent application pending, but was not advised of impending abandonment.

**SUPPLEMENTAL INFORMATION  
IN RESPONSE TO ITEM 3(b) ABOVE  
RELATED TO THE DELAY IN FILING AN INITIAL PETITION  
PURSUANT TO 37 CFR 1.137(b) TO REVIVE THE APPLICATION**

As discussed in the previous section, Applicant believes that there was no delay in seeking the revival of this abandoned application. Consequently, our request for revival can be considered as “unintentional” within 37 CFR 1.37(b). The initial request and petition to revive indicates that no response was filed to the Notice to File Missing Parts of Nonprovisional Application mailed April 20, 2004 due to Applicant’s lack of funds. This is accurate, yet simplistic. We have demonstrated that Biogeny was dissolved due to lack of funds; however, this is only one of many reasons as discussed previously. It is clear that Trojan Technologies continued to request information during the entire delay to keep this application pending. Unfortunately, the dissolution of Biogeny occurred while Applicant demonstrated diligence from the time prior to the Notice of Abandonment in an effort to keep this application pending. We have shared the specifics and reasons for the protracted delay and diligence associated thereto.

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition is not filed within 1 year of the date of abandonment of the application, Applicant submits that the date that the applicant first became aware of the abandonment of the application was January 11, 2005. This was after the final deadline to file a Response to the Notice to File Missing Parts of November 20, 2004. It is also clear from subsequent later communications previously discussed that applicant desired to keep this application pending and had

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miscommunications not occurred, this application would have been petitioned for revival within one year from the mail date of the Notice of Abandonment since the protracted delay would have been greatly reduced.

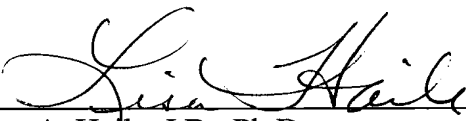
A showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant has been demonstrated by the discussion in the prior section.

Applicant respectfully requests reconsideration of the petition for revival of the above-identified unintentionally abandoned patent application.

The fees for this filing total \$1,115.00, which consist of \$1,115.00 for the Five (5) Months Extension of Time fee pursuant to 37 CFR 1.136(a) and 37 CFR 1.17(a)(5). No additional fees are believed due with the present petition. However, the Commissioner is hereby authorized to charge any other fees associated herewith, or credit any overpayment, to Deposit Account No. 07-1896.

Respectfully submitted,

Date: July 10, 2008

  
\_\_\_\_\_  
Lisa A. Halle, J.D., Ph.D.  
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# EXHIBIT A





UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

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SALIWANCHIK LLOYD & SALIWANCHIK  
A PROFESSIONAL ASSOCIATION  
PO BOX 142950  
GAINESVILLE FL 32614-2950

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DEC 10 2007

In re Application of :  
Crisanti :  
Application No. 10/789,403 :  
Filed: February 27, 2004 :  
Attorney Docket No. GJE-39D :  
OFFICE OF PETITIONS  
DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 2, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned June 21, 2004 for failure to timely submit a proper reply to the Notice of Omitted Item(s) in a Nonprovisional Application (Notice) mailed April 20, 2004. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time was timely submitted. Notice of Abandonment was mailed January 18, 2005

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional

information. See, MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3).

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

- (1) the delay in reply that originally resulted in the abandonment;
- (2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and
- (3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of \$500 or a fee of \$50 **would not be granted where the abandonment** or the failure to pay the fee for issuing the patent **was intentional** as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), reprinted in 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). See In

re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (more than three years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on June 21, 2004. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, as practitioners at Saliwanchik, Lloyd & Saliwanchik were counsel of record at the time of abandonment, said practitioners should explain why this application became abandoned while it was under their control and what efforts were made to further reply and with whom this matter was discussed. Copies of any correspondence relating to the filing, or to not filing a further reply to the outstanding Office action are required from responsible person(s), applicant, and whoever else was involved with this application at the time of abandonment. Statements are required from any and all persons then involved with this application at the time of abandonment, and the responsible person(s) having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered

as "unintentional" within the meaning of 37 CFR 1.137(b). See MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (here, over three years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at \*21-\*23. Statements are required from any and all persons then involved with this application, including but not limited to current counsel, prior counsel, applicant(s), and/or assignee(s), at the time of abandonment and the responsible person(s) having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

- (A) the date that the applicant first became aware of the abandonment of the application; and
- (B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

In either instance, applicant's failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or

"unintentional" may lead to the denial of a petition under 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application. See also New York University v. Autodesk, 2007 U.S. DIST LEXIS, U.S. District LEXIS 50832, \*10 -\*12 (S.D.N.Y. 2007) (protracted delay in seeking revival undercuts assertion of unintentional delay).

Any renewed petition may be addressed as follows:

By Mail:           Mail Stop PETITION  
                  Commissioner for Patents  
                  P. O. Box 1450  
                  Alexandria, VA 22313-1450

By hand:           U. S. Patent and Trademark Office  
                  Customer Service Window, Mail Stop Petitions  
                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Ms. Haile appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party in whose behalf she acts. If, Ms. Haile desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Ms. Haile, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

  
Alesia M. Brown  
Office of Petitions

CC: Lisa Haile  
DLA Piper Rudnick Gray Cary US LLP  
4365 Executive Drive Suite 1100  
San Diego, CA 92121--213

# EXHIBIT B

## Griffis, Aldon

---

**From:** Basham, Daryl  
**Sent:** Tuesday, June 10, 2008 6:26 PM  
**To:** Griffis, Aldon  
**Subject:** Fw: Re:

**Attachments:** trojantech.xls



trojantech.xls (21  
KB)

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

**From:** Agamemnon Epenetos <agamemnon@epenetos.com>  
**To:** Basham, Daryl  
**Sent:** Tue Jun 10 18:04:57 2008  
**Subject:** FW: Re:

Prof Agamemnon Epenetos

Consultant Oncologist

80, Harley Street

London W1G 7HL

tel: + 44 207 631 4868

email:agamemnon@epenetos.com

---

**From:** Dr Christina Kousparou [mailto:trojantec@cytanet.com.cy]  
**Sent:** Thursday, February 09, 2006 11:01 AM  
**To:** Agamemnon Epenetos  
**Subject:** Fw: Re:

FYI

----- Original Message -----



From: John Jappy <mailto:JWJ@gje.co.uk>  
To: trojantec@cytanet.com.cy  
Sent: Thursday, February 09, 2006 12:09 PM  
Subject: Re:

Dear Christina

Thank you for your email.

I attach a schedule of all of the "Antennapedia" cases assigned to Trojantech by Imperial College. The schedule lists all of the pending or granted cases. My records have been updated to show Trojantech as the client for these cases and Computer Patent Annuities (CPA) have also been notified of this. The applicant for each case is still Imperial College. We can apply to the various patent offices to record Trojantech as the applicant/owner, but to do so I shall require a copy of the assignment document. Do you want to record the change in ownership? If so, please let me have a copy of the assignment.

The schedule does not list the Trojantech application "P21" filed on 14 April 2005. As you know, there is a due date of 14 April 2006 for deciding on the strategy for pursuing protection for this invention in the commercially-relevant territories. My recommendation is to file an International "PCT" application. This is a single application that designates all of the commercially-useful territories. The application is searched and examined by the European Patent Office to provide the applicant with an initial view on what may be protectable. It does not result in a granted patent and it is still necessary to convert the application into national or regional applications later (30 months from the 14 April 2005 date), but it enables the applicant an opportunity to evaluate the scope of protection that might be possible, before incurring the expensive costs associated with national/regional filing. The initial cost of filing the International application will be approximately £4000, with an additional £1500 if an optional international examination is requested.

Therefore, please let me know if you agree that an international application should be filed. If so, please let me know if there have been developments of the P21 technology since 14 April 2005, so that I can incorporate these into a revised specification.

Regards

John

>>> "Dr Christina Kousparou" <trojantec@cytanet.com.cy> 14:38 06 February 2006February 2006 >>>

Dear John

I have a board meeting coming up and I would like to update my Directors on the patent situation of Trojan.

Please could you provide me with a status report on the antenapedia patent, ie. where it has been renewed, when the new patent was filed and where, and from which countries we are still waiting. Please also inform me to which name are these patents issued, the Company's name or Imperial College, and what are the implications of that.

Thank you and regards

Christina

---

Dr Christina Kousparou  
Scientific Director Trojantec Ltd  
Research Associate to The Bank of Cyprus Oncology Centre  
The Bank of Cyprus Oncology Centre  
32 Acropoleos Avenue  
2006 Nicosia  
Cyprus

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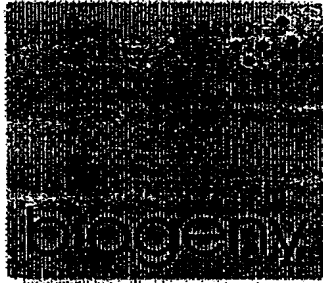
Gill Jennings & Every LLP  
Broadgate House  
7 Eldon Street  
London EC2M 7LH  
U.K.

www.gje.co.uk  
Tel: +44 (0)20 7377 1377  
Fax: +44 (0)20 7377 1310

\*\*\*\*\*

Client's Reference	GJE Reference	Country Of Filing	Applicant Name	Application No.	Application Date	Grant No.	Grant Date
Antip Fusion Proteins	REP05844AU	Australia	Imperial College Innovations Ltr	88776/98	9/2/1998	737829	12/13/2001
Antip Fusion Proteins	REP05844BR	Brazil	Imperial College Innovations Ltr	PI 9811744-0	9/2/1998		
Antip Fusion Proteins	REP05844CA	Canada	Imperial College Innovations Ltr	2301157	9/2/1998		
Antip Fusion Proteins	REP05844IL	Israel	Imperial College Innovations Ltr	134602	9/2/1998		
Antip Fusion Proteins	REP05844JP	Japan	Imperial College Innovations Ltr	2000-508817	9/2/1998		
Antip Fusion Proteins	REP05844NZ	New Zealand	Imperial College Innovations Ltr	503007	9/2/1998	503007	3/8/2001

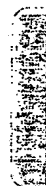
# EXHIBIT C



**BIOGENY PLC**

Company No. 3964149

**FINANCIAL STATEMENTS  
FOR THE YEAR ENDED  
31ST MARCH 2004**



# Biogeny plc

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# Biogeny plc

## Statutory and Other Information

Directors	J.M. Pike (Chairman and Managing Director) A. Crisanti (Research Director) R.R.R. Ridley (Finance Director) D.D. Fiszman (Non-executive Director) (resigned 23rd March 2004) D.A. Taglight (Non-executive Director)
Secretary	R.R.R. Ridley
Registered Office	Devonshire House 60 Goswell Road London EC1M 7AD
Bankers	Bank of Scotland 38 Threadneedle Street London EC2P 2EH
Auditors	Kingston Smith Devonshire House 60 Goswell Road London EC1M 7AD
Solicitors	Anderson & Company 76 Wallingford Road Shellingford Oxfordshire OX10 7EU
Patent Agents	Gill Jennings & Every Broadgate House 7 Eldon Street London EC2M 7LH
Registrars	Capita IRG plc 34 Beckenham Road Beckenham Kent BR3 4TU

# Biogeny plc

## Chairman's Statement

In this report I will cover both the scientific position of the research projects and the financial position of the Group.

### Dealing first with the scientific position:

The year saw our research develop although, as is usual in research, far slower than we would have wished. Our Scientific progress can be seen by the publication of our findings in peer - reviewed scientific journals.

1. Suppression of gene expression by cell- permeable Tet repressor.

*Nucleic Acids Res. 2003 Dec 1;31(23):e152*

2. A recombinant H1 histone-based system for efficient delivery of nucleic acids.

*J Biotechnol.2003 Nov 6;105 (3):215-26*

3. A genome - wide identified active cell permeable motifs within medically relevant proteins.

*Submitted for publication by Dr Walter Low*

We believe that this last work could potentially be developed in to something which may have future commercial interest as the ability to block the inflammatory response to pathogen infection, albeit in a mouse model, is not only of interest in itself but it validates the theory that there exists cell permeable peptides originating from human proteins. We congratulate Dr Walter Low on his work in this area.

### The financial position

The Directors were aware that the capital raised in 2000 would only fund Biogeny's research programme for a limited period of time. Conscious that their cash resources were reducing the Directors pursued every available avenue to raise further funds to continue the research programme. Pharmaceutical companies prefer to await the results of human trials prior to licensing therapies and venture capitalists to shun early stage work and generally in depth in - vivo data before they will invest.

Notwithstanding the scientific advances made the Directors found it impossible to raise the funding necessary to continue its early stage research programmes and stopped active research. All employees were made redundant and the Company ceased its Ofex quotation.

The Group has for some time been in dispute with Imperial College Innovations Limited and Imperial College of Science, Technology and Medicine of London over the charges rendered by them to Implx. Negotiations have continued for some time without resolution; Note 1 to the financial statements refers. The Directors anticipate reaching agreement without Imperial College Innovations Limited and Imperial College of Science, Technology and Medicine of London shortly whereby they will take the patents, the intellectual property and shares in Trojantec owned by Implix Limited in settlement of all claims between the two parties.

Following completion of this transaction the Directors will consider the future of the Company. They currently do not foresee any residual value in the shares.

Jeffrey Pike

Chairman

20 January 2005



# Biogeny plc

## Report of the Directors

The directors present their report and financial statements for the year ended 31st March 2004.

### Principal Activities and Business Review

The principal activity of the group is Research and Development in Biotechnology including Gene Therapy. The results for the year and the financial position at the year end were considered satisfactory by the directors.

The group obtained 461,438 of 1 cent shares in Trojantec, a company registered in Cyprus. The shares were issued for the right for Trojantec to use the research owned by the group. The directors consider the shares have a negligible value at the balance sheet date.

### Results and Dividend

The results of the group for the year are set out on page 6. The directors do not recommend the payment of a dividend for the period under review.

### Directors and their Interests

The directors who served the company during the year together with their interests (including family interests) in the shares of the company, at the beginning and end of the year, were as follows:

	Ordinary Shares of 10p each	
	31st March 2004	31st March 2003
J.M. Pike	4,260,000	4,260,000
A. Crisanti	1,525,000	1,525,000
R.R.R. Ridley	20,000	20,000
D.D. Fiszman (resigned 23rd March 2004)	3,000,000	3,000,000
D.A. Taglight	3,000,000	3,000,000

Directors' and officers' liability insurance has been purchased by the company as permitted by s310(3) of the Companies Act 1985.

Details of directors' share options and warrants are disclosed in note 8 to the financial statements.

### Statement of Directors Responsibilities

Company law requires the directors to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the company and of the profit or loss of the company for that period.

In preparing those financial statements, the directors are required to select suitable accounting policies and then apply them consistently; make judgements and estimates that are reasonable and prudent; and prepare the financial statements on a going concern basis unless it is inappropriate to assume that the company will continue in business.

The directors are responsible for keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of the company and enable them to ensure that the financial statements comply with the Companies Act 1985. They are also responsible for safeguarding the assets of the company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

**Biogeny plc**  
**Report of the Directors (continued)**

**Significant Shareholdings**

At the date of this report the directors have been notified of the following shareholdings in excess of 3% of the company's

	Ordinary Shares of 10p each	Percentage
M. Hart	3,370,000	16.38
A. Sharpe-Neal	720,000	3.50
D. Pike	720,000	3.50
V. Pike	720,000	3.50
Imperial FF&P Gordon House LLP	900,000	4.38

**EMI Share Option**

The company has entered into an EMI share option on 1st August 2002 for 50,000 ordinary shares of 10p.

**Policy on Payments to Creditors**

It is the policy to pay creditors on standard terms, normally 30 days, unless agreed otherwise.

**Auditors**

Kingston Smith have indicated their willingness to continue in office and in accordance with the provisions of the Companies Act it is proposed that they be reappointed auditors to the company for the ensuing year.

**By Order of the Board**

  
.....  
R.R.R. Ridley  
Secretary

Devonshire House  
60 Goswell Road  
London EC1M 7AD

Date: 20 January 2005

# Biogeny plc

## Report of the Auditors

### Independent Auditors' Report to the Shareholders of Biogeny plc

We have audited the financial statements of Biogeny plc for the year ended 31st March 2004 which comprise the Profit and Loss Account, the Balance Sheet, the Cash Flow Statement and the related notes. These financial statements have been prepared under the historical cost convention and the accounting policies set out therein.

This report is made solely to the company's members, as a body, in accordance with Section 235 of the Companies Act 1985. Our audit work has been undertaken for no purpose other than to draw to the attention of the company's members those matters which we are required to include in an auditor's report addressed to them. To the fullest extent permitted by law, we do not accept or assume responsibility to any party other than the company and company's members as a body, for our audit work, for this report, or for the opinions we have formed.

#### Respective Responsibilities of Directors and Auditors

As described in the Statement of Directors' Responsibilities included in the report of the Directors, the company's directors are responsible for the preparation of the financial statements in accordance with applicable law and United Kingdom Accounting

Our responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements and United Kingdom Auditing Standards.

We report to you our opinion as to whether the financial statements give a true and fair view and are properly prepared in accordance with the Companies Act 1985. We also report to you if, in our opinion, the Directors' Report is not consistent with the financial statements, if the company has not kept proper accounting records, if we have not received all the information and explanations we require for our audit, or if information specified by law regarding the directors' remuneration and transactions with the company is not disclosed.

We read the Directors' Report and consider the implications for our report if we become aware of any apparent misstatements within it.

#### Basis of Audit Opinion

We conducted our audit in accordance with United Kingdom Auditing Standards issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgements made by the directors in the preparation of the financial statements, and of whether the accounting policies are appropriate to the company's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error. In forming our opinion we also evaluated the overall adequacy of the presentation of information in the financial statements.

#### Going Concern


In forming our opinion, we have considered the adequacy of the disclosures made in note 1 to the financial statements concerning the ability of the group over the coming year to meet its liabilities as they fall due. In view of the significance of this uncertainty we consider that it should be drawn to your attention, but our opinion is not qualified in this respect.

#### Opinion

In our opinion the financial statements give a true and fair view of the state of the affairs of the company and the group as at 31st March 2004 and of its loss for the year then ended and have been properly prepared in accordance with the Companies Act 1985.

Devonshire House  
60 Goswell Road  
London EC1M 7AD

Date: 20 January 2005

  
Kingston Smith  
Chartered Accountants  
and Registered Auditors

**Biogeny plc**  
**Consolidated Profit and Loss Account**  
**For the year ended 31st March 2004**

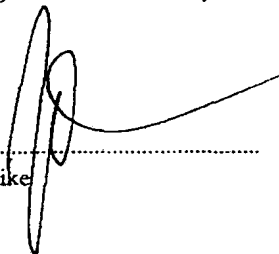
	Note	2004 £	2003 £
Sales		8,511	5,000
Cost of sales - Research Costs		<u>(213,278)</u>	<u>(341,023)</u>
Gross Loss		(204,767)	(336,023)
Administrative expenses	2	<u>(317,190)</u>	<u>(348,674)</u>
Operating Loss	3	(521,957)	(684,697)
Interest receivable and similar income		3,707	18,416
Interest payable and similar charges	5	<u>(2)</u>	<u>(18)</u>
Loss on Ordinary Activities before Taxation		(518,252)	(666,299)
Taxation	6	<u>18,916</u>	<u>19,179</u>
Retained Loss for the Financial Period	7,8	<u><u>(499,336)</u></u>	<u><u>(647,120)</u></u>
Loss per share - Basic	9	<u><u>(2.42p)</u></u>	<u><u>(2.69p)</u></u>

There are no recognised gains and losses in the year other than the loss for the year.

**Diogeny plc**  
**Consolidated Balance Sheet at 31st March 2004**

	Note	2004 £	2004 £	2003 £	2003 £
<b>Fixed Assets</b>					
Intangible assets	10		101,652		337,351
Investments	11		-		-
<b>Current Assets</b>					
Debtors	12	21,197		37,431	
Cash at bank and in hand		<u>8,379</u>		<u>248,433</u>	
		29,576		285,864	
<b>Creditors: Amounts falling due within one year</b>	13	<u>(113,306)</u>		<u>(105,957)</u>	
<b>Net Current (Liabilities)/Assets</b>			<u>(83,730)</u>		<u>179,907</u>
<b>Net Assets</b>			<u>17,922</u>		<u>517,258</u>
<b>Capital and Reserves</b>					
Called up share capital - equity interests	8		2,057,000		2,057,000
Share premium account	8		400,000		400,000
Profit and loss account	8		<u>(2,439,078)</u>		<u>(1,939,742)</u>
<b>Shareholders' Funds</b>			<u>17,922</u>		<u>517,258</u>

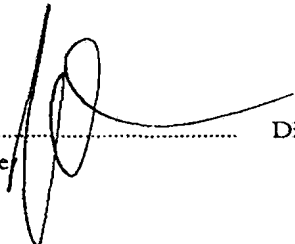
Approved by the board on 20 January 2005  
and signed on its behalf by:

  
..... Director  
J.M. Pike

**biogeny plc**  
**Balance Sheet at 31st March 2004**

	Note	2004 £	2004 £	2003 £	2003 £
<b>Fixed Assets</b>					
Investments	11		-		-
<b>Current Assets</b>					
Debtors	12	1,843		5,046	
Cash at bank and in hand		<u>8,449</u>		<u>253,224</u>	
		10,292		258,270	
<b>Creditors: Amounts falling due within one year</b>	13	<u>(5,427)</u>		<u>(46,620)</u>	
<b>Net Current Assets</b>			<u>4,865</u>		<u>211,650</u>
<b>Net Assets</b>			<u>4,865</u>		<u>211,650</u>
<b>Capital and Reserves</b>					
Called up share capital - equity interests	8		2,057,000		2,057,000
Share premium account	8		400,000		400,000
Profit and loss account	8		<u>(2,452,135)</u>		<u>(2,245,350)</u>
<b>Shareholders' Funds</b>			<u>4,865</u>		<u>211,650</u>

Approved by the board on *20 January 2005*  
and signed on its behalf by:

  
..... Director  
J.M. Pike

**B10geny plc**  
**Consolidated Cash Flow Statement**  
**For the year ended 31st March 2004**

	Note	2004 £	2004 £	2003 £	2003 £
<b>Net Cash Outflow from Operating Activities</b>	(i)		(262,675)		(719,336)
<b>Returns on Investments and Servicing of Finance</b>					
Interest received		3,707		18,416	
Interest paid		<u>(2)</u>		<u>(18)</u>	
<b>Net Cash Inflow for Returns on Investments and Servicing of Finance</b>			3,705		18,398
<b>Taxation</b>			18,916		19,179
<b>(Decrease) in Cash</b>	(ii)		<u><u>(240,054)</u></u>		<u><u>(681,759)</u></u>

**Biogeny plc**  
**Notes to the Consolidated Cash Flow Statement**  
**For the year ended 31st March 2004**

(i)	Reconciliation of Operating Loss to Net Cash Outflow from Operating Activities		2004 £	2003 £
	Operating loss		(521,957)	(684,697)
	Amortisation		235,699	169,080
	(Increase)/decrease in debtors		16,234	(8,244)
	Increase/(decrease) in creditors		<u>7,349</u>	<u>(195,475)</u>
	Net cash outflow from operating activities		<u>(262,675)</u>	<u>(719,336)</u>
(ii)	Reconciliation of Net Cash Flow to Movement in Net Funds (Note (iii))			
	(Decrease) in cash in the year and change in net debt		<u>(240,054)</u>	<u>(681,759)</u>
	Net funds at 1st April 2003		<u>248,433</u>	<u>930,192</u>
	Net funds at 31st March 2004		<u>8,379</u>	<u>248,433</u>
(iii)	Analysis of Changes in Net Debt			
	At 1st April 2003 £	Cash Flow £	Other Non-Cash Changes £	At 31st March 2004 £
	<u>248,433</u>	<u>(240,054)</u>	-	<u>8,379</u>
	Total	<u>248,433</u>	<u>(240,054)</u>	<u>8,379</u>



# Notes to the Financial Statements

## For the year 31st March 2004

### 1 Accounting Policies

#### Accounting Basis and Standards

The directors do not expect the group to generate sufficient cash flow through its operating activities to finance its commitments over the ensuing year.

Implyx Limited, a 100% subsidiary of the Company has commenced negotiations with Imperial College Innovations Limited and Imperial College of Science, Technology and Medicine of London which it believes will lead to a liability included in accruals at £101,652 being settled in exchange for Implyx's interests in its patents, intellectual property and holding in Trojantec Limited. Neither the Company nor Implyx accepts or agrees the amounts claimed by Imperial College Innovations Limited and Imperial College of Science, Technology and Medicine of London and in the event that settlement is not reached is likely to lead to action being instigated by or against the Company. In the event that agreement is reached the sum of £101,652 will represent the sales value of the above assets which are carried in the Consolidated Balance Sheet at £101,652.

On this basis, the directors consider it appropriate to prepare the financial statements on a going concern basis. The financial statements do not include any adjustments that might result if this assignment does not go ahead.

#### Basis of Consolidation

The group financial statements incorporate a consolidation of the financial statements of the company and its subsidiary undertakings. The results of subsidiary undertakings acquired during a financial year are included in the consolidated financial statements using acquisition accounting from the date of acquisition.

#### Goodwill

On the acquisition of a subsidiary undertaking fair values are attributed to the group's share of net assets. Where the consideration exceeds the values attributable to such net assets the difference is treated as purchased goodwill. This is capitalised and amortised over the estimated useful life of the assets. Provision is made for any impairment.

#### Intangible Fixed Assets

Licence fees are capitalised and then amortised over their expected useful lives. The useful life is considered to be 2.25 years.

#### Investments

Fixed asset investments are stated at cost less any provision for diminution in value.

### 2 Administrative Expenses

	2004	2003
	£	£
Patent costs	33,244	91,555
Amortisation	235,699	169,080
Other administrative expenses	48,247	88,039
	<u>317,190</u>	<u>348,674</u>

### 3 Operating Loss

	2004	2003
	£	£
The operating loss is stated after charging:		
Auditors' remuneration	2,208	10,500
Non audit work	16,366	8,383
Amortisation	235,699	163,512
	<u>254,273</u>	<u>182,405</u>

### 4 Directors and Employees

	2004	2003
	£	£
Staff costs for the group during the year were as follows:		
Wages and salaries	80,833	82,528
Social security costs	8,670	8,149
Pensions	7,750	5,948
Medical insurance	148	677
	<u>97,401</u>	<u>97,302</u>

The average monthly number of persons employed by the group, including directors, during the year was 2 (2003 - 3)

**Biogeny plc**  
**Notes to the Financial Statements**  
**For the year ended 31st March 2004 (Continued)**

<b>4 Directors and Employees (continued)</b>	<b>2004</b>	<b>2003</b>
<b>Directors' Emoluments</b>	<b>£</b>	<b>£</b>
Emoluments	<u>21,667</u>	<u>55,000</u>
<b>Highest Paid Director</b>		
Emoluments	<u>11,667</u>	<u>45,000</u>

Sums payable to third parties in respect of the services of A.Crisanti, a director, amounted to £11,667 (2003 - £45,000).

<b>5 Interest Payable and Similar Charges</b>	<b>2004</b>	<b>2003</b>
	<b>£</b>	<b>£</b>
Bank loans and overdrafts	<u>2</u>	<u>18</u>
<b>6 Taxation</b>	<b>2004</b>	<b>2003</b>
	<b>£</b>	<b>£</b>
Current year Research and Development credit	18,915	19,162
Prior year Research and Development credit	<u>-</u>	<u>17</u>
	<u>18,915</u>	<u>19,179</u>

**7 Loss for the Financial Year**

As permitted by section 230 of the Companies Act 1985, the profit and loss account of the company is not presented as part of these financial statements. The group loss for the financial period after taxation of £499,336 (2003 - £(647,120)) includes a loss of £206,785 (2003 - £(2,173,272)) which is dealt with in the financial statements of the company.

<b>8 Shareholders' Funds</b>	<b>2004</b>	<b>2003</b>
	<b>£</b>	<b>£</b>
<b>(a) Company share capital</b>		
The authorised share capital comprises:		
Authorised:		
50,000,000 Ordinary shares of 10p each	<u>5,000,000</u>	<u>5,000,000</u>
Called up, allotted and fully paid:		
20,570,000 Ordinary shares of 10p each	<u>2,057,000</u>	<u>2,057,000</u>

**(b) Share warrants**

The following share warrants issued to directors existed at the year end:

	<b>Date granted</b>	<b>Number of Shares of 10p each</b>	<b>Options Price</b>
J.M. Pike	26th June 2000	3,000,000	30p
D.D. Fiszman	26th June 2000	3,000,000	30p
D.A. Taglight	26th June 2000	3,000,000	30p

The warrants may be exercised during the subscription period that commenced on the first anniversary of admission of the Company's ordinary share capital to trading on OFEX (18th July 2001) and ending with the date which is five years from the date of grant of the warrants (26th June 2005).

**Biogeny plc**  
**Notes to the Financial Statements**  
**For the year ended 31st March 2004 (Continued)**

**8 Shareholders' Funds (continued)**

**(c) Movements on capital and reserves - group**

	<b>Called Up Share Capital</b>	<b>Share Premium Account</b>	<b>Profit and Loss Account</b>	<b>Total</b>
	£	£	£	£
2004				
Balance at 1st April 2003	2,057,000	400,000	(1,939,742)	517,258
Loss for the period	-	-	(4,999,336)	(4,999,336)
Balance at 31st March 2004	<u>2,057,000</u>	<u>400,000</u>	<u>(6,939,078)</u>	<u>(4,482,078)</u>

	<b>Called Up Share Capital</b>	<b>Share Premium Account</b>	<b>Profit and Loss Account</b>	<b>Total</b>
	£	£	£	£
2003				
Balance at 1st April 2002	2,057,000	400,000	(1,292,622)	1,164,378
Loss for the period	-	-	(647,120)	(647,120)
Balance at 31st March 2003	<u>2,057,000</u>	<u>400,000</u>	<u>(1,939,742)</u>	<u>517,258</u>

**(d) Movements on capital and reserves - company**

	<b>Called Up Share Capital</b>	<b>Share Premium Account</b>	<b>Profit and Loss Account</b>	<b>Total</b>
	£	£	£	£
2004				
Balance at 1st April 2003	2,057,000	400,000	(2,245,350)	211,650
Loss for the period	-	-	(206,785)	(206,785)
Balance at 31st March 2004	<u>2,057,000</u>	<u>400,000</u>	<u>(2,452,135)</u>	<u>4,865</u>

	<b>Called Up Share Capital</b>	<b>Share Premium Account</b>	<b>Profit and Loss Account</b>	<b>Total</b>
	£	£	£	£
2003				
Balance at 1st April 2002	2,057,000	400,000	(72,078)	2,384,922
Loss for the period	-	-	(2,173,272)	(2,173,272)
Balance at 31st March 2003	<u>2,057,000</u>	<u>400,000</u>	<u>(2,245,350)</u>	<u>211,650</u>

**Biogeny plc**  
**Notes to the Financial Statements**  
**For the year ended 31st March 2004 (Continued)**

**9 Earnings Per Share**

Loss per share of xxxp (2003 - 2.69p) is calculated on the loss attributable to ordinary shares of 10p each dividend by the weighted number of ordinary shares in issue during the period.

	2004	2003
Computation of loss per share - basic	£	£
Net loss	(499,336)	(553,903)
Weighted average number of shares outstanding	20,570,000	20,570,000
Loss per share - basic	<u>(2.42p)</u>	<u>(2.69p)</u>

**10 Intangible Assets**

	Licences £	Goodwill £	Total £
<b>Cost</b>			
At 1st April 2003	25,000	991,731	1,016,731
Additions	<u>-</u>	<u>-</u>	<u>-</u>
At 31st March 2004	<u>25,000</u>	<u>991,731</u>	<u>1,016,731</u>
<b>Amortisation</b>			
At 1st April 2003	25,000	654,380	679,380
Charge for period	<u>-</u>	<u>235,699</u>	<u>235,699</u>
At 31st March 2004	<u>25,000</u>	<u>890,079</u>	<u>915,079</u>
<b>Net Book Value</b>			
At 31st March 2004	<u>-</u>	<u>101,652</u>	<u>101,652</u>
At 31st March 2003	<u>-</u>	<u>337,351</u>	<u>337,351</u>

Goodwill is amortised over the initial research project period of research agreements held by the subsidiary company at acquisition. This is considered the estimated useful lives of the assets.

The Licence is amortised over 2.25 years.

**11 Investments**

	Group 2004 £	Group 2003 £	Company 2004 £	Company 2003 £
<i>Shares in unlisted investments:</i>				
Additions	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

The group obtained 461,438 of 1 cent shares in Trojantec, a company registered in Cyprus. The shares were issued for the right for Trojantec to use the research owned by the group. The directors consider the shares have a negligible value at the balance sheet date. This shareholding represents 15% of the issued share capital of Trojantec.

<i>Shares in group undertakings:</i>		
At cost	£	£
Provision for the year	<u>-</u>	<u>(925,011)</u>

The company has the following subsidiary undertakings:

Implyx Limited

Implyx Limited is incorporated in England and Wales, its ordinary share capital is 100% owned and it has prepared accounts to 31st March 2004. The nature of the business is that of developing research and development in Biotechnology production techniques.

**Biogeny plc**  
**Notes to the Financial Statements**  
**For the year ended 31st March 2004 (Continued)**

12 Debtors	Group 2004 £	Group 2003 £	Company 2004 £	Company 2003 £
Other debtors	21,197	33,552	1,843	1,228
Prepayments and accrued income	-	3,879	-	3,818
	<u>21,197</u>	<u>37,431</u>	<u>1,843</u>	<u>5,046</u>

The amounts owed by group undertakings in the company balance sheet in the sum of £xxxx (2003 - £Nil) are recoverable after more than one year.

13 Creditors: Amounts falling due within one year	Group 2004 £	Group 2003 £	Company 2004 £	Company 2003 £
Social security and other taxes	2,039	2,482	-	-
Other creditors	9,515	78,375	5,327	21,520
Accruals and deferred income	101,752	25,100	100	25,100
	<u>113,306</u>	<u>105,957</u>	<u>5,427</u>	<u>46,620</u>

**14 Future Financial Commitments**

The group has contracted to pay research and development costs of £Nil (2003 - £103,483) over the course of the next 2 years.

The group is also contracted to pay patent royalty fees totalling £Nil (2003 - £240,000) due over a period of 5 years commencing in January 2004.

These amounts have not been provided for in the financial statements.

# EXHIBIT D

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Andrea Crisanti	Art Unit:	1636
Application No.:	10/789,403	Examiner:	Not Yet Assigned
Filed:	February 27, 2004	Conf. No.:	5324
Title:	CONJUGATES THAT CONTAIN THE HOMEODOMAIN OF ANTENNAPEDIA		

**Mail Stop PETITION**

Commissioner for Patents

P.O. Box 1450

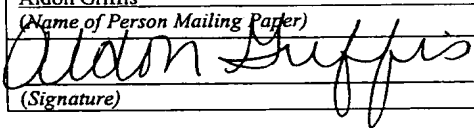
Alexandria, VA 22313-1450

**TRANSMITTAL SHEET**

Sir:

Transmitted herewith for the above-identified patent please find:

1. Petition to Revive an Unintentionally Abandoned Patent Application Pursuant to 37 CFR §1.137(b) (2 pages);
2. Statement Accompanying Petition to Revive an Unintentionally Abandoned Patent Application Pursuant to 37 CFR §1.137(b) (3 pages);
3. Notice to File Missing Parts of Nonprovisional Application mailed April 20, 2004 (2 pages);
4. Response to Notice to File Missing Parts of Nonprovisional Application mailed April 20, 2004 (2 pages);
5. Copy of the Notice of Abandonment under 37 CFR 1.53(f) or (g) mailed January 18, 2005 (1 page);
6. Check No. 722598 in the amount of \$1,315.00; and
7. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>September 28, 2007</b> , in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Aldon Griffis <small>(Name of Person Mailing Paper)</small>	
 <small>(Signature)</small>	<b>September 28, 2007</b> <small>(Date)</small>

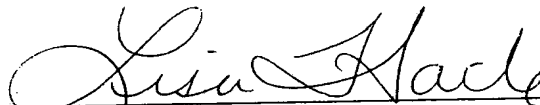
In re Application of:  
Andrea Crisanti  
Application No.: 10/789,403  
Filed: February 27, 2004  
Page 2

PATENT  
Attorney Docket No.: TROJAN1100-1 (formerly GJE-39D1)

Enclosed is Check No. 722598 in the amount of \$1,315.00, which consists of \$750.00 for the petition fee to revive an unintentionally abandoned application under 37 C.F.R. 1.17(m), \$150.00 for the filing fee, \$250.00 for the search fee, \$100.00 for the exam fee and \$65.00 for the late filing fee/declaration surcharge fee. No additional fees are believed due with the present petition. However, the Commissioner is hereby authorized to charge any other fees associated herewith, or credit any overpayment, to Deposit Account No. 07-1896. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: September 28, 2007



Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

**USPTO Customer Number 28213**  
DLA PIPER US LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Andrea Crisanti	Art Unit:	1636
Application No.:	10/789,403	Examiner:	Not Yet Assigned
Filed:	February 27, 2004	Conf. No.:	5324
Title:	CONJUGATES THAT CONTAIN THE HOMEODOMAIN OF ANTENNAPEDIA		

**Mail Stop PETITION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

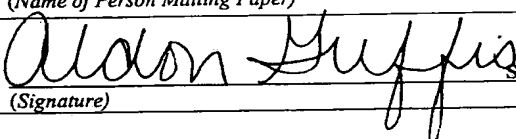
**PETITION TO REVIVE  
AN UNINTENTIONALLY ABANDONED PATENT APPLICATION  
PURSUANT TO 37 CFR § 1.137(b)**

Sir:

Applicant submits this Petition under 37 C.F.R. §1.137(b) for revival of the above-identified application, which was unintentionally abandoned on January 18, 2005, for failure to properly respond to the Notice to File Missing Parts mailed April 20, 2004.

Submitted herewith, as required by C.F.R. §1.137(b), are the following:

1. Response to the Notice to File Missing Parts of Nonprovisional Application mailed April 20, 2004;
2. The petition fee pursuant to C.F.R. § 1.17(m); and
3. Statement Accompanying Petition to Revive an Unintentionally Abandoned Patent Application Pursuant to 37 C.F.R. § 1.137(b) affirming that the entire delay in filing the required reply, from the due date for the reply until the filing of a grantable petition was unintentional.

<b>CERTIFICATION UNDER 37 CFR §1.8</b>	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>September 28, 2007</b> , in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Aldon Griffis <small>(Name of Person Mailing Paper)</small>	
 <small>(Signature)</small>	<b>September 28, 2007</b> <small>(Date)</small>

In re Application of:  
Andrea Crisanti  
Application No.: 10/789,403  
Filed: February 27, 2004  
Page 2

PATENT  
Attorney Docket No.: TROJAN1100-1 (formerly GJE-39D1)

Applicant respectfully petitions for revival of the above-identified unintentionally abandoned patent application.

Enclosed is Check No. 722598 in the amount of \$1,350.00, which consists of \$750.00 for the petition fee to revive an unintentionally abandoned application under 37 C.F.R. 1.17(m), \$150.00 for the filing fee, \$250.00 for the search fee, \$100.00 for the exam fee and \$65.00 for the late filing fee/declaration surcharge fee. No additional fees are believed due with the present petition. However, the Commissioner is hereby authorized to charge any other fees associated herewith, or credit any overpayment, to Deposit Account No. 07-1896.

Respectfully submitted,

Date: September 28, 2007



Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

**USPTO Customer Number 28213**  
DLA PIPER US LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133

PATENT

ATTORNEY DOCKET NO.: TROJAN1100-1 (formerly GJE-39D1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

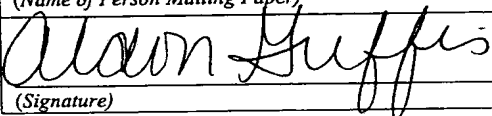
Applicant:	Andrea Crisanti	Art Unit:	1636
Application No.:	10/789,403	Examiner:	Not Yet Assigned
Filed:	February 27, 2004	Conf. No.:	5324
Title:	CONJUGATES THAT CONTAIN THE HOMEODOMAIN OF ANTENNAPEDIA		

**Mail Stop PETITION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT ACCOMPANYING PETITION TO REVIVE  
AN UNINTENTIONALLY ABANDONED PATENT APPLICATION  
PURSUANT TO 37 C.F.R. §1.137(b)**

Sir:

The above identified application became abandoned for failure to timely submit a Response to the Notice to File Missing Parts mailed April 20, 2004. It is respectfully submitted that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional because the Applicant was unable to continue prosecution of the application due to financial difficulties.

CERTIFICATION UNDER 37 C.F.R. §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>September 28, 2007</b> , in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Aldon Griffis (Name of Person Mailing Paper)	
 (Signature)	<b>September 28, 2007</b> (Date)

In re Application of:  
Andrea Crisanti  
Application No.: 10/789,403  
Filed: February 27, 2004  
Page 2

PATENT  
Attorney Docket No.: TROJAN1100-1 (formerly GJE-39D1)

In the prosecution of the present application, a Notice to File Missing Parts of Nonprovisional Application was mailed on April 20, 2004 to the law firm of Saliwanchik, Lloyd & Saliwanchik. No response to the aforementioned Notice was filed due to Applicant's lack of funds.

Applicant subsequently contacted the offices of DLA Piper US LLP on August 28, 2007 and instructed us to revive the above-identified patent application as funding was no longer an issue.

Enclosed are the necessary documents for revival of an unintentionally abandoned application under 37 C.F.R. § 1.137(b) including the Response to the Notice to File Missing Parts. Any delay between the receipt of the Notice to File Missing Parts and the filing of the present petition and response is due to the time required to investigate the situation, obtain the necessary prosecution history and documents from the prior counsel and prepare a responsive petition.

Accompanying this Statement are a Petition for Revival of an Unintentionally Abandoned Application, Response to the Notice to File Missing Parts of Nonprovisional Application and a copy of the Notice of Abandonment.

Also enclosed is Check No. 722598 in the amount of \$1,315.00, which consists of \$750.00 for the petition fee to revive an unintentionally abandoned application under 37 C.F.R. 1.17(m), \$150.00 for the filing fee, \$250.00 for the search fee, \$100.00 for the exam fee and \$65.00 for the late filing fee/declaration surcharge fee. No additional fees are believed due with

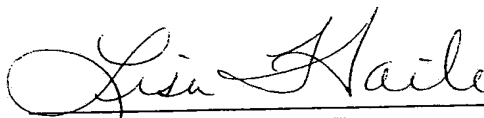
In re Application of:  
Andrea Crisanti  
Application No.: 10/789,403  
Filed: February 27, 2004  
Page 3

PATENT  
Attorney Docket No.: TROJAN1100-1 (formerly GJE-39D1)

the present petition. However, the Commissioner is hereby authorized to charge any other fees associated herewith, or credit any overpayment, to Deposit Account No. 07-1896.

Respectfully submitted,

Date: September 28, 2007



Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

**USPTO Customer Number 28213**  
DLA PIPER US LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133



UNITED STATES PATENT AND TRADEMARK OFFICE

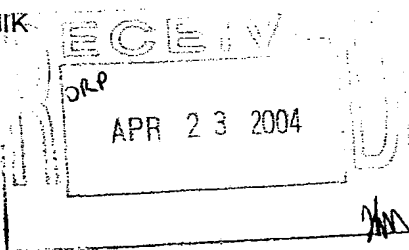
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/789,403	02/27/2004	Andrea Crisanti	GJE-39D1

CONFIRMATION NO. 5324

23557

SALIWANCHIK LLOYD & SALIWANCHIK  
A PROFESSIONAL ASSOCIATION  
2421 N.W. 41ST STREET  
SUITE A-1  
GAINESVILLE, FL 326066669



FORMALITIES LETTER



\*OC000000012402752\*

Date Mailed: 04/20/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

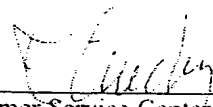
**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andrea Crisanti	Art Unit: 1636
Application No.: 10/789,403	Examiner: Not Yet Assigned
Filed: February 27, 2004	Conf. No.: 5324
Title: CONJUGATES THAT CONTAIN THE HOMEODOMAIN OF ANTENNAPEDIA	

**Mail Stop PETITION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

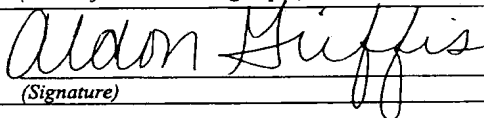
Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed April 20, 2004, enclosed are:

1. One (1) copy of the Notice to File Missing Parts of Nonprovisional Application mailed April 20, 2004 (2 pages);
2. Check No. 722598 in the amount of \$1,315.00; and
3. Return Receipt Postcard.

Applicants claim **SMALL ENTITY** status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

The filing fee has been calculated as follows:

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>September 28, 2007</b> , in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Aldon Griffis <i>(Name of Person Mailing Paper)</i>	
 <i>(Signature)</i>	September 28, 2007 <i>(Date)</i>



In re Application of:

Andrea Crisanti

Application No.: 10/789,403

Filed: February 27, 2004

Page 2

PATENT

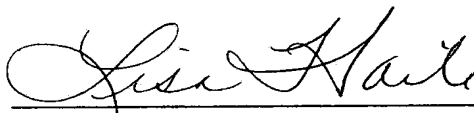
Attorney Docket No.: TROJAN1100-1 (formerly GJE-39D1)

	Number Filed		Number Extra		Rate			Fee	
					Small Entity	Large Entity		Small Entity	Large Entity
Total Claims	16-20	=	0	X	\$25	\$50	=	\$ .00	\$ .00
Independent Claims	1-3	=	0	X	\$100	\$200	=	\$ .00	\$ .00
Multiple Dependent Claims Present: ____ Yes <u>x</u> No					\$180	\$360		N/A	N/A
Fee for Each Additional 50 Sheets in Excess of 100 Pages					\$125	\$250		N/A	N/A
					FILING FEE			\$ 150.00	\$ 300.00
					SEARCH FEE			\$ 250.00	\$ 500.00
					EXAM FEE			\$ 100.00	\$ 200.00
					SURCHARGE FEE			\$ 65.00	\$ 130.00
					TOTAL FEE			\$ 565.00	

Enclosed is Check No. 722598 in the amount of \$1,315.00, which consists of \$750.00 for the petition fee to revive an unintentionally abandoned application under 37 C.F.R. 1.17(m), \$150.00 for the filing fee, \$250.00 for the search fee, \$100.00 for the exam fee and \$65.00 for the late filing fee/declaration surcharge fee. No additional fees are believed due with the present petition. However, the Commissioner is hereby authorized to charge any other fees associated herewith, or credit any overpayment, to Deposit Account No. 07-1896.

Respectfully submitted,

Date: September 28, 2007



Lisa A. Haile, J.D., Ph.D.

Registration No. 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

**USPTO CUSTOMER NUMBER 28213**

**DLA PIPER US LLP**

4365 Executive Drive, Suite 1100

San Diego, California 92121-2133



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/789,403	02/27/2004	Andrea Crisanti	GJE-39D1

CONFIRMATION NO. 5324

ABANDONMENT/TERMINATION  
LETTER



\*OC000000014978238\*

23557  
SALIWANCHIK LLOYD & SALIWANCHIK  
A PROFESSIONAL ASSOCIATION  
PO BOX 142950  
GAINESVILLE, FL 32614-2950

Date Mailed: 01/18/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/20/2004.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

*Z-Moques*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE